

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TATYANA JOHNSON

vs.

APPLE INC.

§
§
§
§
§
§
§
§
§

**CIVIL ACTION NO. 4:20-cv-602
JURY DEMANDED**

DEFENDANT'S NOTICE OF REMOVAL

TO THE HONORABLE UNITED STATES DISTRICT COURT:

1. **APPLE INC.** ("Defendant"), is Defendant in a civil action filed on or about February 3, 2020 in the 269th Judicial District Court of Harris County, Texas, under Cause No. 2020-05010 styled *Tatyana Johnson v. Apple, Inc.* Attached hereto as Exhibit "A" is a true and correct copy of Plaintiff's Original Petition.

2. The citation and petition in this action were served on CT Corporation on or about February 3, 2020 and a representative of Defendant received a copy of Plaintiff's Original Petition marked Exhibit "A" on or about the same date. This Notice of Removal is filed within thirty (30) days of service of the petition and receipt of same and is timely filed under 28 U.S.C. § 1446(b). A copy of the citations served on and Notice of Service of Process are attached hereto as Exhibit "B".

3. The District Courts of the United States have original jurisdiction over this action based on diversity of citizenship among the parties in that Plaintiff **TATYANA JOHNSON** is an individual who is a resident of Harris County, Texas. Defendant is a corporation incorporated in the state of California with its principal place of business in California. Accordingly, Defendant

is now and was at the time the action was commenced, diverse in citizenship from the Plaintiff, **TATYANA JOHNSON**.

4. This action is one of a civil nature based upon alleged causes of action for marketing defect, strict liability, negligence, breach of express warranty, breach of implied warranty, and negligent misrepresentation.

5. The action is being removed pursuant to 28 U.S.C. § 1446(b) by the Defendant to the United States District Court for the Southern District of Texas, Houston Division, the district and division embracing the place where the Plaintiff, **TATYANA JOHNSON** filed this state court action.

6. Plaintiff, **TATYANA JOHNSON**, seeks actual damages for alleged physical pain and suffering, alleged physical pain and mental anguish, alleged loss of wages in the past and future and loss of earning capacity; alleged disfigurement in the past and future; alleged physical impairment in the past and future, and alleged past and future medical expenses. In addition, Plaintiff Tatyana Johnson seeks punitive damages. Plaintiff seeks damages in excess of \$100,000.00. Accordingly, the amount in controversy exceeds, exclusive of interest, \$75,000.00.

7. Defendant would further show that it has filed with the district clerk of Harris County and the 269th Judicial District Court of Harris County, a true and correct copy of this Notice simultaneous with the filing of this Notice in this Court.

8. Removal of this action is proper under 28 U.S.C. § 1441 and § 1446, since it is a civil action brought in a state court, and the federal district courts have original jurisdiction of the subject matter under 28 U.S.C. § 1332 given that Plaintiff and Defendant are diverse in citizenship and the amount in controversy exceeds, exclusive of interest and costs, the sum of \$75,000.

9. Attached hereto are true and correct copies of Plaintiff's Original Petition (Exhibit "A"); and Notice of Service of Process (Exhibit "B").

10. WHEREFORE, PREMISES CONSIDERED, Defendant, **APPLE INC.**, pursuant to the above-referenced statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, removes this action from the 269th Judicial District Court of Harris County, Texas on this the 21st day of February, 2020, and for such other and further relief to which Defendant shows itself justly entitled.

Respectfully submitted,

TAYLOR, BOOK, ALLEN & MORRIS, L.L.P.

A handwritten signature in black ink, appearing to read "William Book", is written over a horizontal line.

WILLIAM BOOK

State Bar No. 02622000

wbook@taylorbook.com

MICHELE TAYLOR

State Bar No. 19714400

mt@taylorbook.com

TOM MACHISAK

State Bar No. 24109492

tmachisak@taylorbook.com

1221 McKinney, Suite 4300

Houston, Texas 77010

(713) 222-9542

(713) 655-7727 Telefax

**ATTORNEYS FOR DEFENDANT,
APPLE INC.**

CERTIFICATE OF SERVICE

I hereby certify that on this the 21st day of February, 2020, true and correct copies of the foregoing instrument were forwarded electronically to all counsel of record and in accordance with the Federal Rules of Civil Procedure, as follows:

The Weycer Law Firm, P.C.
Mark Weycer
State Bar No. 21237300
mweycer@weycerlawfirm.com
Che' D. Williamson
State Bar No. 21617150
cwilliamson@weycerlawfirm.com
4545 Bissonnet, suite 294
Bellaire, Texas 77401
Ph: (713) 668-4545
Fax: (713) 668-5115



MICHELE E. TAYLOR